

Appl No.: 10/734,388
Amdt. Dated: January 6, 2006
Response to Office Action of October 6, 2005

REMARKS

Applicant thanks the Examiner for review of the present application. Claims 1-37 are now pending in the present application.

The Official Action of October 6, 2006, objects to the drawings not showing particular actuators as recited in Claim 10 and rejects Claim 15 under 35 U.S.C. § 112, first and second paragraphs. The Official Action rejects Claims 1-9, 11-12, 15, and 32 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,847,806 to Curtis et al. (hereinafter "the Curtis patent") and Claims 22-23 and 25-29 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,386,084 to Risko (hereinafter "the Risko patent"). The Official Action rejects Claims 10, 13-14, 16-21, 24, 30-31, and 33-34 under 35 U.S.C. § 103(a) as being unpatentable over various applications of the Curtis patent, the Risko patent, U.S. Patent No. 5,613,237 to Bent et al. (hereinafter "the Bent patent"), and U.S. Patent Application Publication No. 2005/0022924 to Blackburn (hereinafter "the Blackburn application").

Applicant has canceled Claim 10. Applicant has amended Claims 1, 2, 22, and 32 to more clearly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant provides the following remarks in response to the objection and rejections of the Office Action. Applicant has added Claims 35-37.

Drawing Objection

The Office Action objects to the Drawings under 37 C.F.R. § 1.83(a) as failing to show every feature of the invention specified in the claims. Specifically, the Office Action states that the "plurality of actuators provides at least an actuator capable of at least one of activating said electronic device, suspending said electronic device, indicating movement for operating said electronic device, indicating selection for operating said electronic device, inputting numerical data, inputting alphabetical data, and inputting symbolic data" of Claim 10 are not shown.

Applicant has canceled Claim 10 to advance prosecution of the application, but submit for purposes of clarity that the drawings, in context with the disclosure of the specification, show actuators (buttons of a keypad of a front cover and keydome switches) which are described in the written description of the specification as capable of performing the actions recited for the plurality of actuator in Claim 10. Applicant submits that canceling Claim 10 overcomes the objection of Claim 10.

Rejection Under 35 U.S.C. § 112, First Paragraph

The Office Action rejects Claim 15 under 35 U.S.C. § 112, first paragraph as failing to comply with the enablement requirement. Specifically, the Office Action states that the "first locking edge

Appl No.: 10/734,388
 Amdt. Dated: January 6, 2006
 Response to Office Action of October 6, 2005

extend[ing] outwardly from said chassis and said first locking perimeter [defining] a ridge at the intersection of said first locking edge and said first locking perimeter" of Claim 15 is not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention.

Applicant submits that the claimed subject matter of Claim 15, as originally recited, is enabled in the specification. Figure 12, shown below, shows intersections between a first locking perimeter 222 and a second locking perimeter 224 of a chassis 220 and a first locking edge 240 of a first covering 268 and a second locking edge 258 of a second covering 256. Figure 13 shows like intersections of these same components. Figure 14E, shown below, shows an enlarged view of a like intersection between a locking perimeter of a chassis and a locking edge of a covering.

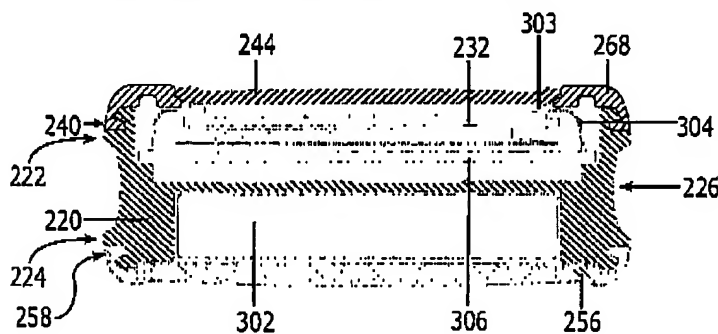


FIGURE 12

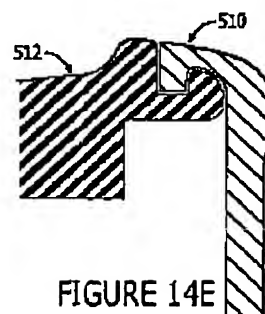


FIGURE 14E

The intersection of Figure 14E is described in the specification as being a "neutral" intersection. Figure 14G, shown below, shows a similar intersection between a locking perimeter 512 of a chassis and a locking edge 510 of a covering, and the material of the locking edge 510 extends outwardly from the chassis and the locking perimeter 512, but in a manner to form, and describe as, a "continuous" intersection to "create a single curve or plane," not to form a ridge at the intersection. See Appl'n, para. 0063.

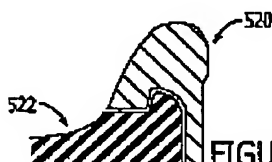


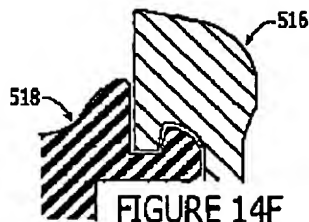
FIGURE 14G

By comparison, Figure 14F, shown below, shows an intersection between a locking perimeter 518 of a chassis and a locking edge 516 of a covering, and the material of the locking edge 516 extends outwardly from the chassis and the locking perimeter 518 in such a manner to form, and described as, a "discontinuous" intersection "where the external surface of a chassis [e.g., the locking perimeter 518]

BEST AVAILABLE COPY

Appl No.: 10/734,388
Amdt. Dated: January 6, 2006
Response to Office Action of October 6, 2005

does not match the external surface of a cover [i.e., the locking edge 516]." As such, a ridge is formed at the intersection of the locking perimeter 518 of a chassis and a locking edge 516 of a covering.



Accordingly, Applicant submits, as described above, that the subject matter of Claim 15, as originally recited, is described in the specification in such a way as to enable one skilled in the art to make and/or use the invention. Applicant submits that this rejection of Claim 15 is traversed for the reasons presented above.

Rejection Under 35 U.S.C. §112, Second Paragraph

The Office Action rejects Claim 15 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Office Action states that a first locking edge extending outwardly from a chassis and a first locking perimeter to define a ridge at the intersection of said first locking edge and said first locking perimeter "has no clear meaning because how can 'a ridge' which is part of the perimeter and is also at the intersection of itself?"

Applicant notes that Claim 15 does not recite that the ridge is part of the perimeter, but is only defined "at the intersection of said first locking edge and said first locking perimeter" by the outward extension of the first locking edge from the chassis and the first locking perimeter. The ridge is a characteristic of the shape of the intersection of two claimed elements (i.e., the first locking edge and the first locking perimeter). And further in view of the remarks presented above with respect to the rejection under 35 U.S.C. § 112, first paragraph, Applicant submits that Claim 15 is definite in the language originally recited, by particularly pointing out the subject matter which Applicant regards as the invention. Applicant submits that this rejection of Claim 15 is traversed for the reasons presented above. Applicant has also added dependent Claims 35-37, depending from Claim 1, related to like claimed limitations for the invention. Applicant submits that the language of these newly added claims is definite in view of the remarks presented above and, particularly, the remarks presented above with respect to the rejection under 35 U.S.C. § 112, first paragraph.

Appl No.: 10/734,388
Amdt. Dated: January 6, 2006
Response to Office Action of October 6, 2005

Rejections Under 35 U.S.C. § 102

The Office Action rejects Claims 1-9, 11-12, 15, and 32 under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,847,806 to Curtis et al. (hereinafter "the Curtis patent"). Specifically, with regard to Claim 1, the Office Action states that the Curtis patent "shows an assembly for a mobile terminal, comprising: a chassis (4), wherein said chassis (4) comprises a first locking perimeter (28-29); a first covering (2) capable of being removably secured to said chassis (4) at said first locking perimeter, wherein said first covering (2) comprises a first locking edge (30-34) for securing said first covering (2) to said chassis (4) by interlocking said first locking edge (30-34) and said first locking perimeter (28-29)...." With regard to Claim 34, the Office Action also states that the Curtis patent "shows an interlocking chassis, ...wherein said front edge comprises a first locking perimeter (33-34), and wherein said rear edge comprises a second locking perimeter (30-31)." The Office Action provided additional statements with respect to claims depending from independent Claim 1.

Applicant notes that the Curtis patent is a divisional of a patent which was cited in an Information Disclosure Statement filed concurrently with the filing of the present invention, but, to Applicant's knowledge, has not yet been considered by the Examiner. Further,

Applicant submits that the Curtis patent discloses replaceable covers for a mobile device using individual mechanical locking elements which are characteristic of resilient materials snapping together to lock together with a releasable latch. In contrast to the present invention, the Curtis patent does not teach or suggest a chassis and coverings with corresponding locking perimeters and locking edges. Rather, the Curtis patent uses a plurality of mechanical locking elements (recesses, slots, and apertures with lugs, hooks, and a spring clip) to snap the front and rear cover around the inner housing. A particular distinction between the present invention and the cited references is the continuous nature of the interlocking perimeter and edge of a chassis and cover, respectively of the present invention. The Curtis patent does not teach or suggest a locking perimeter or a locking edge as described by the specification, and correspondingly recited in Claim 1, or independent Claims 22 and 32.

Applicant has amended Claim 1 to more clearly point out and distinctly claim the subject matter Applicant regards as the invention. In particular, Applicant has amended Claim 1 to recite that the first locking perimeter is "a continuous first locking perimeter," in comparison to the non-continuous recesses, slots, and apertures of the Curtis patent. Applicant notes that the adjective "continuous" as recited in the amended claims has the characteristic of being continuous for purposes of providing engagement of a cover and a chassis, but may be discontinuous in the sense that the shape of an edge or perimeter may not continue uninterrupted around the entire periphery of a cover or chassis, but may be discontinuous through one or more sections of the periphery, such as to permit an indentation or recess in the perimeter

Appl No.: 10/734,388
Amdt. Dated: January 6, 2006
Response to Office Action of October 6, 2005

of a chassis corresponding to a protrusion in the edge of a cover for alignment of the cover and the chassis. Further, Applicant has amended Claim 1 to recite that the first covering is "a first elastomeric covering," in comparison to replaceable covers made of resilient materials with snap-on attachments, such as disclosed in the Curtis patent. Applicant submits that the Curtis patent does not, and could not, teach or disclose using an elastomeric cover in conjunction with the disclosed recesses, slots, and apertures of the chassis and the lugs, hooks, and spring clip of the cover.

With regard to dependent Claims 4 and 7, Applicant submits that the Curtis patent does not teach or suggest a covering having a plurality of actuators or a keymat plunger interface. While the Curtis patent may include a plurality of actuators and a keymat plunger interface (see 5, as cited in the Office Action), Applicant notes that Claims 4 and 7 recite that the cover, not the chassis, comprise such features. In the Curtis patent, a plurality of actuators and a keymat plunger interface are part of the chassis 4, not part of the cover 2. Rather, the cover in the Curtis patent comprises corresponding openings to permit the protrusion of the plurality of actuators and keymat plunger interface of the chassis.

With regard to dependent Claim 15, Applicant submits that the Curtis patent does not teach or suggest a ridge at the intersection of a locking edge and a locking perimeter. Applicant references the discussion above with regard to the rejections of Claim 15 under 35 U.S.C. § 112 in relation to the claim limitation of a ridge at the intersection of a locking edge and a locking perimeter. The Office Action cites to elements 30-34 and 28-29 in support of this § 102 rejection of Claim 15. However, Applicant notes that the design of the covers and chassis of the Curtis patent are configured to hide any mechanical locking elements to provide a neutral interface, not a ridge, between the intersection of the covers and chassis when snapped together in an assembled position.

Further, with regard to independent Claim 32, Applicant notes that the Office Action has cited elements of a replaceable resilient cover, not elements of an interlocking chassis, with regard to elements recited in Claim 32 as being part of the interlocking chassis. Specifically, Applicant notes that elements 30, 31, 33, and 34 of the Curtis patent are characteristic of elements of the replaceable resilient cover 2, not elements of the chassis 4.

Accordingly, Applicant submits that the Curtis patent does not teach or disclose the limitations of Claim 1, and that the remarks above overcome and traverse the rejections of independent Claims 1, 22, and 32 and dependent Claims 2-9, 11-12, 15 depending from Claim 1.

The Office Action also rejects Claims 22-23 and 25-29 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,386,084 to Risko (hereinafter "the Risko patent"). Applicant has amended independent Claim 22, and independent Claim 32, to more clearly point out and distinctly claim

Appl No.: 10/734,388
Amdt. Dated: January 6, 2006
Response to Office Action of October 6, 2005

the subject matter Applicant regards as the invention. In particular, Applicant has amended Claims 22 and 32 to recite the characteristic that the elastomeric cover is removably secured to the chassis, and both elements are configured, to permit a cover being removably secured without disassembly of the chassis, thus, contemplating attaching and removing a cover to a chassis without disassembly of the chassis for either attachment or removal of the cover. Specifically, amended Claim 22 now also recites "wherein said elastomeric locking edge is configured to be removably secured to an interlocking chassis without disassembly of the chassis," and amended Claim 32 now also recites "wherein said frame is configured to have an elastomeric locking edge of a first membrane removably secured to the first locking perimeter and to have an elastomeric locking edge of a second membrane removably secured to the second locking perimeter without disassembly of the frame." By comparison, the Risko patent discloses a cover which wraps around a top portion of a housing such that when the top portion and a bottom portion of the housing are connected, the cover creates a gasket at the intersection of the top and bottom portions of the housing. The Risko patent does not teach or disclose interlocking edges or perimeters which permit the cover to be releaseably secured to the chassis as recited in Claims 22 and 32, but merely a gasket interface which requires disassembly of the apparatus for attachment and removal of the gasket cover. The gasket cover of the Risko patent cannot be removed without disassembly of the housing of the electronic device, such as by unscrewing the top and bottom portions of the housing. Applicant submits that the amendment to Claim 22 overcomes this rejection of independent Claim 22, and the rejection of Claims 23 and 25-29 depending from Claim 22.

Rejections Under 35 U.S.C. § 103(a)

The Official Action rejects Claims 10, 13-14, 16-21, 24, 30-31, and 33-34 under 35 U.S.C. § 103(a) as being unpatentable over various applications of the Curtis patent, U.S. Patent No. 5,386,084 to Risko (hereinafter "the Risko patent"), U.S. Patent No. 5,613,237 to Bent et al. (hereinafter "the Bent patent"), and U.S. Patent Application Publication No. 2005/0022924 to Blackburn (hereinafter "the Blackburn application"). Applicant has canceled Claim 10.

With regard to dependent Claims 13-14, 16-21, and 33-34, Applicant submits that the Bent patent discloses using a middle portion between front and rear housing sections. The front and rear housing sections are secured together by the front and rear housing sections independently interlocking with the middle portion. The Official Action cites the Bent patent for teaching "a locking combination comprising a convex and concave combination." Applicant submits that the Office Action has misinterpreted the use of the adjectives convex and concave in the claim limitations, and has therefore incongruently applied the Bent patent against the present claims. The present claims recite that *the intersection* of the chassis and

Appl No.: 10/734,388
Amtd. Dated: January 6, 2006
Response to Office Action of October 6, 2005

interlocking cover (i.e., the meeting of the chassis and cover) define a "convex [or concave] *surface*," not that the *interlocking mechanism* relies upon a convex and concave combination. The Office Action does not appear to have appreciated the specificity of the limitations of the claims. Applicant also notes, for clarity, that the adjectives convex and concave have both been used to describe a groove, but that both descriptions are meant to imply, as shown in the drawings and described in the written specification as originally filed, to refer to an inward depression, such that the groove may be considered convex when considered from an outer perspective and concave when considered from an inner perspective. Applicant submits that the remarks presented above overcome this rejection of Claims 13-14, 16-21, and 33-34.

With regard to dependent Claim 24, Applicant submits that the Blackburn application discloses applying a multicolored adhesive article to decorate the exterior of a mobile phone. The adhesive article is described as a plastic sheet, and as a thin pliable plastic sheet of film, with an adhesive layer, similar to a sticker. The Official Action cites Blackburn for teaching a multicolored material for a cover. However, the multicolored material of Blackburn is merely a sticker or decorative article, not a membrane for an interlocking cover. While a multicolored adhesive article of Blackburn could be applied to an interlocking cover of the present invention, Blackburn does not teach or suggest, alone or in combination with the Risko patent, creating the membrane of the interlocking cover of a multicolored material. Applicant submits that the remarks presented above overcome this rejection of Claim 24.

Further, in view of the remarks presented above with respect to Claims 1, 22, and 32, Applicant submits that dependent Claims 13-14, 16-21, 24, 30-31, and 33-34 are in condition for allowance for the reasons provided with respect to Claims 1, 22, and 32, respectively. Accordingly, Applicant submits that the Curtis patent, the Risko patent, the Bent patent, and the Blackburn application, either alone or in combination, to not teach or disclose the limitations as recited in the amended claims of the present application. Applicant submits that the remarks presented above overcome the § 103(a) rejections of the Office Action.

Conclusion

In view of the remarks presented above, Applicant submits that all of the pending Claims 1-37 of the present application are in condition for allowance. Accordingly, entry of the amendments and allowance of the application are respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicant's undersigned attorney in order to resolve any remaining issues.

It is not believed that extensions of time or fees for not addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are

Appl No.: 10/734,388
Amdt. Dated: January 6, 2006
Response to Office Action of October 6, 2005

hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

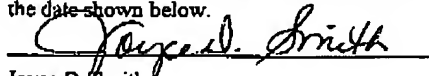


Christopher J. Gegg
Registration No. 50,857

CUSTOMER NO. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111
#4758569v1

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the US Patent and Trademark Office at Fax No. (571) 273-8300 on the date shown below.



Joyce D. Smith
Date: January 6, 2006